

REMARKS

Applicants' attorney wishes to thank Examiner Burch for extending the courtesy of the telephone interview conducted on May 21, 2003, and which has hopefully advanced the prosecution of this application favorably.

In response to the Examiner's continued objection to the Drawings, specifically Figure 3, applicants submit herewith a corrected drawing of Figure 3 which only includes "Processor 1" within the perforated box labeled "Electronic Stability System."

On the merits, the Examiner has rejected claims 1-5 and 12-17 under 35 U.S.C. §102(b) as anticipated by EP-0798187. The arguments in support of this rejection are set-out at item 3 bridging pages 2 and 3 of the Official Action and are not herein repeated. Further, Examiner has provided a "Response to Arguments" raised to Applicants arguments filed on September 16, 2002. See item 8 "Re: 102/103 Rejections" bridging pages 6 and 7 of the Official Action, and not herein repeated.

In addition to the foregoing, the Examiner has rejected claims 6,7, 18 and 19 under 35 U.S.C. §103(a) as obvious over EP-0798187 in view of U.S. Patent No. 4,146,108 (Sato). The argument in support of this rejection is set out in item 5 bridging pages 3 and 4 of the Official action, and not herein repeated.

In addition, the Examiner has rejected claims 8, 9, 20-22 under 35 U.S.C. §103(a) as obvious over EP-0798187 in view of U.S. Patent No. 4,658,939 (Kircher et al.). The argument in support of this rejection is set out in item 6 which bridges pages 4 and 5 of the Official Action, and which is not repeated herein.

Lastly, claims 10, 11, 23 and 24 have been rejected by the Examiner under 35 U.S.C. §103(a) as shown over EP-0798187 in view of Kircher et al. and further in view of Sato. The argument in support of this rejection is set-out in item 7 which bridges pages 5 and 6 of the Official Action and not herein repeated.

Applicants respectfully traverse all of the foregoing 102/103 rejections. Common to each of the grounds of rejection is the primary reference EP-0798178, which the Examiner contends discloses each and every limitation recited in the independent claims 1 and 12, which limitations further find expression in all of the other pending claims. Applicants contend that EP-0798178 does not disclose any teaching of the required claim element of "detecting vehicle instability." The Examiner is understood to infer from EP-0798187 at column 8, lines 43-46 and 50-54 that the application of a greater than normal braking force constitutes a condition of vehicle instability. It is Applicants' position that EP-0798187 teaches nothing about detecting vehicle instability as a function of the dynamics of vehicle movement..

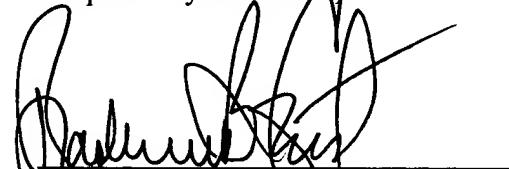
Despite the fact that the Examiner has chosen to characterize the detection of a change in braking force to a brake pedal as a dynamic condition of a vehicle, without more, the reference says nothing about the vehicle movement that suggests vehicle instability.

Notwithstanding the foregoing, Applicants have by this amendment used the phrase "dynamics of vehicle movement" instead of "dynamic conditions of said vehicle" is an effort to more precisely claims the subject matter of the present invention. In the course of the telephone interview with Examiner Burch on May 21, 2003, she stated that

this proposed change would likely overcome the present grounds for rejection based on EP-0798187. Further, Applicants do not understand that any of the secondary references, Sato and Kicher et al., provide a teaching of the claimed method for detecting vehicle instability based on a detection of the dynamics of vehicle movement, and in response thereto increasing the force boosting effect of the braking force booster.

In view of the foregoing arguments, Applicants believe that the pending claims are in condition for allowance, and respectfully request the Examiner's reconsideration and favorable action on the merits.

Respectfully submitted,



Bradley B. Geist
Patent Office Reg. No. 27,551
Attorney for Applicants
(212) 408-2562